

## Raise the Age of Juvenile Court Jurisdiction to 18

*Support for House Bills 4947-4954*

We, at the Campaign for Youth Justice strongly support legislation to raise the age of juvenile court jurisdiction to 18. Michigan is **one of 9 remaining states** automatically prosecuting 17-year-olds as adults for any offense. Most 17-year-olds in the adult system are there for non-violent offenses and never had a juvenile record. This antiquated practice is contrary to research, exceptionally harmful to youth and directly threatens public safety. In order to reduce reoffending rates, reduce corrections costs, and align with national standards, it is imperative that Michigan raise the age of juvenile court jurisdiction to 18.

In nearly all aspects of law, Michigan recognizes 18 as the age of adulthood. Seventeen-year-olds cannot vote<sup>1</sup>, legally sign a contract<sup>2</sup>, drop out of school<sup>3</sup>, rent a hotel room<sup>4</sup> or car<sup>5</sup>, or purchase tobacco<sup>6</sup>, fireworks<sup>7</sup> or lottery tickets<sup>8</sup> and are still considered children whom the state's child welfare system must protect from abuse and neglect. Yet, if caught in the legal system for any reason, 17-year-olds must be prosecuted, convicted, and sentenced as adults in Michigan's criminal courts.

Research confirms that 17-year-olds are not adults. As part of normal development, they are more likely to take risks, act impulsively, and are highly susceptible to the negative influences of peers.<sup>9</sup> Though these age-related factors may contribute to youthful mistakes, 17-year-olds are much more amenable to rehabilitative programs and behavior modification than older adult offenders. Nonetheless, Michigan prohibits 17-year-olds from accessing youth-focused treatment found only in the juvenile system.<sup>10</sup>

Prosecuting youth in the adult system is harmful and threatens public safety. Most 17-year-olds in the court system are held in adult jails and prisons where they are at imminent risk of physical and sexual violence, restraints, solitary confinement and suicide. Without access to age-appropriate services, young people exiting adult prison are 34% more likely to reoffend and do so more violently compared with their peers in the juvenile justice system.<sup>11</sup> An adult conviction also has lifelong consequences, including barriers to education, employment, and housing. A young person convicted in Michigan's adult system can expect to earn 40% less over their lifetime, which translates to a loss of state tax revenue, and an increased risk of future incarceration.<sup>12</sup>

Michigan's juvenile justice system is highly effective at delivering developmentally-appropriate services and sanctions that hold youth accountable, engage the whole family in treatment, keep kids in school, and reduce reoffending. As a result of declining youth arrests rate<sup>13</sup> and increased use of diversion, Michigan's juvenile courts have seen dramatic reductions in their caseloads. Likewise, many juvenile detentions and residential treatment centers are well below capacity, many with bed usage falling under 50% capacity.<sup>14</sup> More than any time in recent history, Michigan's juvenile justice system has the ability to absorb and provide far better treatment to most, if not all, 17-year-olds in the adult justice system.

Several states have recently increased their age of juvenile jurisdiction, citing research, public safety and cost-savings as the reason for the change. Those states reported little to no cost impact, mostly due to supporting effective diversion and community-based treatment options. In fact, they expect a

long-term cost-savings, estimating that by including 17-year-olds in the juvenile justice system \$3 will be saved for every \$1 spent.<sup>15</sup>

Now is the time for Michigan to join the 41 other states already recognizing that 17-year-olds who come in contact with the justice system are still children. For the reasons stated above, we support the proposed legislation to raise the age of juvenile court jurisdiction to 18.

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<sup>1</sup> U.S. Const. amend. XXVI

<sup>2</sup> MCL 722.52

<sup>3</sup> MCL 380.1561

<sup>4</sup> MCL 427.302

<sup>5</sup> See ex rel. Philip Bickham v. Hertz Rent-a-Car, MDCR No. 113521-PA32.

<sup>6</sup> MCL 722.641

<sup>7</sup> MCL 28.462(2)

<sup>8</sup> MCL 432.29

<sup>9</sup> MACARTHUR FOUND. RESEARCH NETWORK ON ADOLESCENT DEV. & JUVENILE JUSTICE, LESS GUILTY BY REASON OF ADOLESCENCE (2006).

<sup>10</sup> Id.

<sup>11</sup> Robert Hahn, et al, Centers for Disease Control and Prevention, *Effects on Violence of Laws and Policies Facilitating the Transfer of Youth from the Juvenile to the Adult Justice System: A Report on Recommendations of the Task Force on Community Preventive Services*, MMWR RECOMMENDATIONS & Rep. RR-9 (2007);

<sup>12</sup> GREAT LAKES ECONOMIC CONSULTING, THE SOCIO-ECONOMIC BENEFITS AND ASSOCIATED SAVINGS OF COMMUNITY-BASED PROGRAMS FOR JUVENILE OFFENDERS (2013).

<sup>13</sup> MICH. STATE POLICE, MICHIGAN CRIME INCIDENT REPORTING, STATEWIDE ARREST TOTALS 2012: ARRESTS BY AGE, SEX, AND RACE (2013).

<sup>14</sup> Christina Hall, *Macomb juvenile justice center to lay off 25 workers*, DETROIT FREE PRESS, October 9, 2015.

<sup>15</sup> JOHN ROMAN & JEFFERY BUTTS, THE URBAN INSTIT., THE ECONOMICS OF JUVENILE JURISDICTION (2005).